

David C. Kiernan (State Bar No. 215335)
dkiernan@JonesDay.com
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: +1.415.626.3939
Facsimile: +1.415.875.5700

Attorneys for Defendants
Santa Fe Natural Tobacco Company
and Reynolds American Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RUSSELL BRATTAIN, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

SANTA FE NATURAL TOBACCO
COMPANY, INC., REYNOLDS
AMERICAN, INC., and DOES 1 through 59,

Defendants.

Case No. 4:15-cv-04705-JSW

Judge Jeffrey S. White

**STIPULATED REQUEST AND
~~[PROPOSED]~~ ORDER FOR
BRIEFING SCHEDULE ON
DEFENDANTS' MOTION TO
DISMISS**

Complaint Filed October 9, 2015
No Trial Date Assigned

STIPULATED REQUEST FOR BRIEFING SCHEDULE

On October 12, 2015, Plaintiff served a 111-paragraph class-action Complaint against Sante Fe Natural Tobacco Company, Inc. and Reynolds American, Inc. ("Defendants"), alleging five causes of action challenging Defendants' use of terms "100% additive-free," "natural" and/or "organic" in the marketing of American Spirits cigarettes. Plaintiff seeks to represent a class of all persons in the State of California who purchased American Spirits.

On December 14, 2015, Defendants moved to dismiss the Complaint in its entirety on the grounds (among others) that it fails to state a claim upon which relief may be granted and each cause of action is preempted by federal law. Under the local rules, Plaintiff's opposition is due

1 fourteen days later on December 28, 2015, and Defendants' reply is due seven days after
2 Plaintiff's opposition on January 4, 2016.

3 In light of the holidays and the issues to be briefed, including federal preemption, the
4 parties agree that Plaintiff be allowed an additional fourteen days to file his opposition and
5 Defendants be allowed an additional seven days to file their reply.

6 NOW THEREFORE the parties hereby agree, stipulate, and request that the Court enter
7 the following briefing schedule:

8 Plaintiff's opposition is due January 13, 2016; and

9 Defendants' reply in support of their motion to dismiss is due by January 27, 2016.

10
11 **IT IS SO STIPULATED.**

12 Dated: December 15, 2015

JONES DAY

13
14 By: /S/ David C. Kiernan
David C. Kiernan

15
16 Attorneys for Defendants
Santa Fe Natural Tobacco Company and
17 Reynolds American Inc.

18 Dated: December 15, 2015

EGGNATZ, LOPATIN & PASCUCCHI, LLP

19
20 By: /S/ Benjamin M. Lopatin
Benjamin M. Lopatin

21
22 2201 Market Street, Suite H
San Francisco, California 94114
23 Telephone: 415-324-8620
Facsimile: 415-520-2262

24 Attorneys for Plaintiff
25 Russell Brattain

1 **IT IS SO ORDERED.**

2 DATED: December 15, 2015

3 
THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

4
5
6
7 Pursuant to L.R. 5-1(i), I attest that the concurrence in the filing of this document has been
8 obtained from Benjamin M. Lopatin which shall serve in lieu of his signature.

9
10 By: /s/ David C. Kiernan
David C. Kiernan

11
12 NAI-1500647353v2
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28